

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

JAYLEN MARTINEZ,

Defendant.

22-CR-668 (RMB)

ORDER

The Court has received a letter, dated October 21, 2024, from defense counsel for Defendant Jaylen Martinez suggesting that the Court “amend the Judgment to recommend that the Bureau of Prisons to re-designate Mr. Martinez to serve his sentence at FCI Otisville or another medium-security federal correctional institution closer to New York City.” The Court respectfully suggests that counsel pursue the following:

In the Judgment, dated March 12, 2024, the Court did include a recommendation regarding housing. It “recommended that the defendant . . . be placed in a facility close to New York City.” According to the Bureau of Prisons (“BOP”), “[u]pon sentencing in Federal District Court, the Bureau of Prisons has sole responsibility in determining where an offender will be designated for service of his/her sentence in accordance with Program Statement 5100.08.” BOP, *Designations* (last accessed Oct. 22, 2024); *see also* 18 U.S.C. § 3621(b) (“The Bureau of Prisons shall designate the place of the prisoner’s imprisonment”).

The BOP’s further guidance is that “any requests for transfer must originate with an inmate’s institution unit team at [his] current facility” and “[i]nmates are encouraged to work closely with members of their institution unit team to determine if transfer to a facility closer to their release residence may be possible.” *Id.*; *see* BOP Program Statement 5100.08, Inmate Security and Custody Classification, Chapter 7 at p. 1.

Order

For the foregoing reasons, Defendant's October 21, 2024 letter application (ECF No. 41) is best pursued by defense counsel who may wish to contact BOP authorities. The Court will stand by at this point to see what results occur.

Date: October 22, 2024
New York, New York



RICHARD M. BERMAN, U.S.D.J.